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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,874	10/22/2001	Neil Hepworth	4366-43	4659

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EXAMINER

TRUONG, LAN DAI T

ART UNIT PAPER NUMBER

2152

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/028,874

Applicant(s)

HEPWORTH ET AL.

Examiner

Lan-Dai Thi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/09/2006 has been entered

2. This action is response to communications: application, filed on 10/22/2001; amendment filed 08/09/2006. Claims 31-56 are pending

3. The applicant's arguments filed on 08/09/2006 have fully considered but they are moot in view with new ground for rejections

### **Claim rejections-35 USC § 112**

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 31, 40 and 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter such as "...wherein the first and second sets of packets have differing memberships..." which was not

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described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention

2. Claim 32 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter such as "...members..." which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention

### **Claim rejections-35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 31-54, are rejected under 35 U.S.C 103(a) as being un-patentable over Wan et al. (U.S. 6,529,475) in view of Pruthi et al. (U.S. 2002/0105911) and further in view of Fuh et al. (U.S. 6,463,474)**

#### **Regarding to claim 31:**

Wan discloses the invention substantially as claimed, including a method, which can be implemented in a computer hardware or software code for identifying a corresponding session for a packet, comprising:

In a first session, a first endpoint transmitting first and second sets of packets, respectively, to a session monitor and a second endpoint: Wan discloses a method for monitoring network communication information and utilizing the network information to analyze congestion status and communication instructions to reduce network congestion. In Wan's invention, a plurality of network monitors scan through RTCP packets exchanging between computers. The RTCP packets provide information on the traffic flow which is extracted by the monitors and forwarded to central server for analyzing: (column 4, lines 61-67)

Each packet is used for determining network performance information; wherein the first and second sets of packets have differing memberships: the RTCP packets are in Wan's system provides network congestion information: (column 4, lines 61-67)

A packet comprising at least the network address and session identifier associated with the first endpoint: Although Wan does not explicitly disclose a packet comprising at least the network address and session identifier; however this feature is deemed to be inherent to the Wan's system for the following reasons, the Wan's invention is implemented in RTCP, so RTCP packet inherently includes network addresses and session identifier: (column 4, lines 61-67)

However, Wan does not explicitly disclose method for determining whether at least one of the first endpoint's network address and session identifier correspond to an active session entry recorded in a first set of data structures, the first set of data structures comprising active session entries, each entry in the first set of data structures having at least network addresses for each of the endpoints to the corresponding session; Updating the corresponding entry associated with the at least a first packet to include the network performance information associated with the at least a first packet:

In analogous art, Pruthi discloses a network monitor for monitoring communication sessions between network computers; the network monitor includes a record generator generates record indexes for “communication sessions record” which is equivalent to “set of data structure.” Each entry of the Wan’s communication sessions record includes a plurality of element such as record index, source address, destination address...etc. The recorder generator reads the previously stored indexed record to determine if existing common previous stored indexed record, then it combines a new record updated network performance information into the previous stored indexed record. In Pruthi’s system, the network monitor may recursively collect and analyze network performance data based on previously generated stored packets: ([0046]-[0048]; [0065]-[0066]; [0040])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Pruthi’s ideas of using recorder generator for determining if there is any common index between new record and previous recorded indexed record in order to update communication session record located at network monitor with Wan’s system in order to provide an efficient network monitoring system, see (Pruthi: [0015])

However, Wan-Pruthi does not explicitly discloses determining failing for each endpoints

In analogous art, Fuh discloses method for using IP address of client, who initiates communication connection, to match with stored authorization information to determine if IP address exists in there, if not updating new IP address into authorization record for future use: (column 3, lines 53-64; abstract)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Fuh’s ideas of detecting IP address fails to match with record

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authorization information with Wan-Pruthi's system in order to provide a secure network communication system, see (Fuh: abstract)

**Regarding to claim 40:**

This claim is rejected under rationale of claim 31

**Regarding to claims 48, 51:**

Wan-Pruthi-Fuh discloses a method as discuss in claim 31 which further includes a session monitor operable to track network performance for a plurality of sessions: Pruthi discloses network monitors for monitoring sessions of transmitting RTCP packets: (abstract, lines 1-5; [0008], lines 1-4; [0031]; [0036]-[0047])

Void data: Pruthi discloses voice data is also supported by the RTCP packet monitor: (column 2, lines 20-25)

**Regarding to claims 54, 49-50, 52-53:**

This claim is rejected under rationale of claims 31, 48 and 51

**Regarding to claims 32- 35, 38-39, 42-44 and 47:**

This claim is rejected under rationale of claims 31 and 40

**Regarding to claim 36-37 and 45-46:**

In addition to rejection in claims 32 and 40, Wan-Pruthi-Fuh further discloses the performance information comprise statistics respecting at least one of jitter, packet loss, and round-trip time, see (Pruthi discloses "round-trip delays" which is equivalent to "round-trip time": [0033])

**Regarding to claim 41:**

In addition to rejection in claim 40, Wan-Pruthi-Fuh further discloses media information: Wan discloses monitored information in his system includes multimedia information exchanging in the network: (abstract)

**Regarding to claim 56:**

In addition to rejection in claim 54, Wan-Pruthi-Fuh further discloses the contents of the session packet are defined by the Real Time Control Protocol, see ([0054]; [0056])

**Regarding to claim 55:**

In addition to rejection in claim 54, Wan-Pruthi-Fuh further discloses a first session identifier associated with the first participant, see (Pruthi discloses indexing a record based on type or property such as “end-user ID” which is equivalent to “first participant”: [0048])

A second session identifier associated with the second participant, see (“end-user ID” which is equivalent to “second participant”: [0048])

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to “Real time control protocol session matching”: 20030206523; 20020143971; 7003574; 6678250; 6760774; 20030033428; 7046646; 6058163; 20020091843; 20030016664

## **Conclusions**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

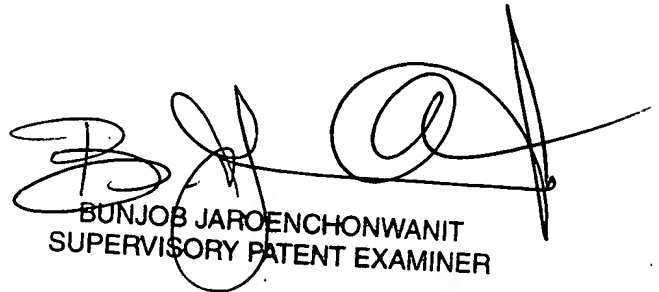


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/14/2006



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER